

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES -- GENERAL

Case No. **ED CV 17-54-JFW (DTBx)**

Date: May 4, 2017

Title: Champan R. Washington -v- Wells Fargo Bank, N.A., et al.

PRESENT:

HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE

Shannon Reilly
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None

ATTORNEYS PRESENT FOR DEFENDANTS:

None

PROCEEDINGS (IN CHAMBERS): ORDER DISMISSING ACTION WITH PREJUDICE

On January 12, 2017, Plaintiff Champan R. Washington ("Plaintiff") filed a Complaint against Defendant Well Fargo Bank, N.A., successor by merger to Wachovia Mortgage, FSB ("Wells Fargo") in this Court, alleging the following claims for relief: (1) declaratory relief; (2) rescission of mortgage pursuant to 15 U.S.C. § 1601, *et seq.*; (3) cancellation of instruments; (4) accounting; (5) breach of contract; and (6) violation of 12 U.S.C. § 2605. On February 24, 2017, Wells Fargo filed a Motion to Dismiss Plaintiff's Complaint ("Motion to Dismiss"). Plaintiff failed to file a timely Opposition. Accordingly, on March 10, 2017, the Court deemed Plaintiff's failure to file an Opposition (or to otherwise comply with Local Rule 7-9) as consent to the granting of Wells Fargo's Motion to Dismiss, and granted Wells Fargo's Motion to Dismiss. The Court entered a Judgment of Dismissal on March 17, 2017.

On April 3, 2017, Plaintiff filed a Motion to Vacate Judgment of Dismissal pursuant to Federal Rule of Civil Procedure 60(b). Specifically, Plaintiff argued that relief was justified on the grounds that the Court granted Wells Fargo's Motion to Dismiss before the deadline for Plaintiff to file an amended complaint as a matter of right under Federal Rule of Civil Procedure 15(a)(1). Despite the fact that Plaintiff failed to file a Notice of Non-Opposition or notify the Court that she intended to file an amended complaint in accordance with the Local Rules and the Court's Standing Order, the Court granted Plaintiff's Motion to Vacate Judgment of Dismissal. However, the Court ordered Plaintiff to file First Amended Complaint on or before May 1, 2017, and expressly warned Plaintiff that "[f]ailure to file a First Amended Complaint on or before May 1, 2017 will result in the dismissal of this action with prejudice." Order Granting Plaintiff's Motion to Vacate Judgment of Dismissal [Docket No. 29] at 3. Plaintiff has failed to file a First Amended Complaint before the deadline. Accordingly, Plaintiff's Complaint is **DISMISSED with prejudice**.

IT IS SO ORDERED.